

Mr. Daniel Espino, Board Member

SUBJECT: MAXIMIZING EDUCATIONAL FLEXIBILITY TO ADVANCE STUDENT ACHIEVEMENT AND INNOVATION

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES

The Education Flexibility Partnership Act of 1999 (Ed-Flex), as reauthorized by the Every Student Succeeds Act, permits the U.S. Department of Education to designate eligible states as Ed-Flex Partnership States. This designation authorizes a state educational agency to waive certain federal statutory or regulatory requirements for local educational agencies and schools when the requested flexibility supports measurable educational goals, is expected to improve student performance, and continues to meet the underlying purposes of the affected federal program.

In 2026, the U.S. Department of Education approved Florida as an Ed-Flex Partnership State. On August 14, 2026, the Florida Department of Education (FDOE) notified local educational agencies that Florida may exercise this authority through the 2030-2031 school year and that districts may submit Ed-Flex waiver applications to FDOE. Florida's approval creates a new opportunity for school districts to examine whether eligible federal requirements unnecessarily limit the effective use of resources, impede innovative practices, or restrict their ability to respond to locally identified student needs.

Ed-Flex authority applies to certain requirements under Title I, Part A, other than Section 1111; Title I, Part C; Title I, Part D; Title II, Part A; and Title IV, Part A of the Elementary and Secondary Education Act, as well as the Carl D. Perkins Career and Technical Education Act. Significant federal protections remain outside the scope of Ed-Flex, including standards, assessments, and accountability requirements under Section 1111; maintenance of effort; comparability of services; equitable participation of private-school students and professional staff; parental participation and involvement; distribution of federal funds to local educational agencies; Title I school rank-order requirements, subject to the limited eligibility exception authorized by Ed-Flex; supplement-not-supplant requirements; applicable civil rights requirements; and requirements of the Individuals with Disabilities Education Act.

Florida's approved Ed-Flex framework requires a local educational agency seeking a waiver to identify the specific federal program and requirement for which flexibility is sought; determine whether the waiver would apply districtwide or to an individual school or subset of schools; establish specific, measurable educational goals for each affected school year; explain how the flexibility would positively affect student achievement and assist in accomplishing those goals; demonstrate that the underlying purpose of the federal program would continue to be met; and satisfy applicable public-notice and stakeholder-input requirements. FDOE's approval criteria also require that a local plan include innovative methods to leverage resources and improve program efficiencies that benefit students.

Miami-Dade County Public Schools participated in the public comment process for Florida's Ed-Flex application. The District's Office of Postsecondary Career and Technical Education and Office of Professional Learning each recognized potential strategic value in the State obtaining this authority. Although neither office identified an immediate federal regulatory obstacle requiring a waiver at that time, both recognized the value of having a mechanism available to respond to future federal requirements or emerging local needs. The Office of Postsecondary

Career and Technical Education specifically noted the alignment between Florida's skilled workforce and economic development goals and the District's postsecondary career and technical education programs, while the Office of Professional Learning identified potential value in responding to future needs in educator recruitment, professional development, staffing, or workforce development.

Now that Florida possesses Ed-Flex authority and FDOE has opened the application process to local educational agencies, the District has an opportunity to conduct a broader and proactive review of eligible federal requirements rather than waiting until a particular requirement becomes an operational obstacle. Such a review could identify areas where flexibility may allow M-DCPS to align federal resources more effectively with student needs, strengthen educational programs, support educators, expand career and technical education opportunities, or advance innovative approaches at individual schools or groups of schools.

Experience in other Ed-Flex states demonstrates the range of possible applications. Districts have used Ed-Flex authority to obtain additional flexibility in carrying forward Title I, Part A funds, so resources can be directed more effectively to future student interventions rather than expended primarily to meet a fiscal deadline. Indiana, for example, has permitted participating local educational agencies to carry forward up to 25 percent of Title I, Part A funds, above the ordinary 15 percent limitation, with districts linking additional flexibility to instructional assistants, small-group intervention, literacy materials, behavioral supports, and other measurable student needs.

Ed-Flex states have also provided flexibility from certain Title IV, Part A, spending requirements when local needs support a different allocation of resources. Reported uses include student and staff wellness, attendance initiatives, multi-tiered systems of support, assessment and intervention programs, college and career support, literacy, and other locally identified priorities. This type of flexibility allows a district to demonstrate, through data and measurable goals, that a different use of federal resources would better address its students' needs while preserving the federal program's purpose and accountability.

Federal law also provides a limited Ed-Flex exception involving Title I school eligibility. While Title I schools generally must be prioritized according to poverty levels, an Ed-Flex state may permit an otherwise ineligible school to participate when its percentage of children from low-income families falls within the statutorily permitted range of the lowest-poverty school that is otherwise eligible for Title I services. This authority can provide continuity where relatively small demographic changes might otherwise disrupt services and interventions for students.

These examples are illustrative and are not intended to suggest that Miami-Dade County Public Schools should pursue any particular waiver. As one of the nation's largest and most diverse school systems, M-DCPS should evaluate Ed-Flex based on its own student needs, federal funding structure, operational challenges, strategic priorities, and evidence of where additional flexibility could yield measurable educational benefits.

The ability, under Florida's framework, to seek flexibility districtwide, for an individual school, or for a subset of schools, is particularly significant. It allows the District to consider not only systemwide opportunities but also whether targeted flexibility could support specific student populations, educational programs, school transformation efforts, workforce initiatives, or other strategies in which existing federal requirements may limit the District's ability to respond effectively.

This item directs the Superintendent and appropriate District personnel to review federal statutory and regulatory requirements within programs eligible for Ed-Flex to identify requirements that may limit the District's ability to improve student outcomes, effectively allocate resources, support educators, expand educational opportunities, advance career and technical education, or implement innovative practices; evaluate whether flexibility from any such requirements could provide measurable educational or operational benefits while continuing to fulfill the underlying purposes of the affected federal programs and maintaining applicable student, parent, civil rights, accountability, and fiscal protections; identify opportunities, where appropriate, to utilize Ed-Flex authority in support of District strategic priorities and the needs of

individual schools, groups of schools, student populations, educational programs, workforce initiatives, or school transformation efforts; review relevant Ed-Flex waivers implemented by local educational agencies in other Ed-Flex states, including their purposes, implementation, measurable goals, and reported outcomes; assess the fiscal, legal, operational, stakeholder-engagement, accountability, and data considerations associated with pursuing any potential waiver; and provide the Board, by the December 9, 2026 Fiscal Accountability and Government Relations Committee Meeting, with findings and recommendations identifying Ed-Flex opportunities, if any, that warrant further consideration or development, without committing the District to the submission of a waiver application absent subsequent appropriate action.

This item has been reviewed and approved by the Office of General Counsel as to form and legal sufficiency.

**ACTION PROPOSED BY
MR. DANIEL A. ESPINO:**

That the School Board of Miami-Dade County, Florida, direct the Superintendent of Schools to:

1. Review federal statutory and regulatory requirements within programs eligible for Ed-Flex and identify requirements that may limit the District's ability to improve student outcomes, effectively allocate resources, support educators, expand educational opportunities, advance career and technical education, or implement innovative practices;
2. Evaluate whether flexibility from any identified requirement could provide a measurable educational or operational benefit while continuing to accomplish the underlying purposes of the affected federal program and maintaining all applicable student, parent, civil rights, accountability, and fiscal protections;
3. Identify opportunities, if any, where Ed-Flex authority could support District strategic priorities or the needs of individual schools, subsets of schools, student populations, educational programs, workforce initiatives, or school transformation efforts;
4. Review relevant Ed-Flex waivers implemented by local educational agencies in other Ed-Flex states, including available information regarding their purposes, implementation, measurable goals, and reported outcomes;
5. Assess any fiscal, legal, operational, stakeholder-engagement, accountability, or data requirements that would need to be addressed before M-DCPS seeks a specific Ed-Flex waiver; and
6. Provide the Board with findings and recommendations identifying any Ed-Flex opportunities that warrant further consideration or development, without committing the District to submission of a waiver application absent subsequent appropriate action, by the December 9, 2026, Fiscal Accountability and Government Relations Committee Meeting.